

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Baoyang Chen,

Plaintiff,

Case No. 1:17cv460

v.

Judge Michael R. Barrett

GSC Opportunities, L.P., *et al.*,

Defendants.

**ORDER**

This matter is before the Court following a telephone status conference held on March 12, 2020. Currently pending before the Court are the Motion to Dismiss filed by Defendant Gold Star Chili, Inc. (Doc. 56); Motion for Summary Judgment filed by Defendant Phoenix Franchise Group (Doc. 70); and Motion to Stay filed by Defendant Phoenix Franchise Group (Doc. 85).

On March 26, 2020, Plaintiff filed a Second Amended Complaint. (Doc. 110). Because an amended complaint supersedes the original pleading, the Motion to Dismiss filed by Defendant Gold Star Chili, Inc. is moot. *See Greater Cincinnati Coal. for Homeless v. City of Cincinnati*, No. C-1-08-603, 2009 WL 3029661, at \*3 (S.D. Ohio Sept. 16, 2009) (citing *Yates v. Applied Performance Techs., Inc.*, 205 F.R.D. 497, 499 (S.D. Ohio 2002)) (filing of the amended complaint will render pending motion to dismiss moot).

In addition, while the Amended Complaint contained claims against Phoenix Franchise Group, the Second Amended Complaint omits these claims.

Accordingly, the Motion to Dismiss filed by Defendant Gold Star Chili, Inc. (Doc. 56); Motion for Summary Judgment filed by Defendant Phoenix Franchise Group (Doc. 70); and Motion to Stay filed by Defendant Phoenix Franchise Group (Doc. 85) are **DENIED as MOOT.**

**IT IS SO ORDERED.**

/s/ Michael R. Barrett  
JUDGE MICHAEL R. BARRETT